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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

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UNITED STATES OF AMERICA,	:	Hon. Jose L. Linares
v.	:	Criminal No. 07-573
JUAN ORTIZ	:	CONSENT JUDGMENT AND PRELIMINARY ORDER OF FORFEITURE

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This matter having been opened to the Court by Christopher J. Christie, United States Attorney for the District of New Jersey, (Assistant United States Attorney R. Joseph Gribko, appearing), for the entry of a consent judgment and preliminary order of forfeiture, and defendant Juan Ortiz (David Holman, Esq., appearing) having consented to the request; and the Court having found that:

**WHEREAS,** in accordance with the Plea Agreement filed on or about November 19, 2008 entered into between the United States of America and defendant Juan Ortiz in the above matter, the defendant, pursuant to 18 U.S.C. § 924(d)(1), 21 U.S.C. § 853 and 28 U.S.C. § 2461(c), has agreed to forfeit to the United States the following property: one (1) Rexio Pucara .38-Special

Revolver, bearing serial number C30018 (hereinafter the "Forfeited Property" or "the Forfeited Firearm"); and

**WHEREAS**, defendant, Juan Ortiz, has specifically acknowledged notice of the criminal forfeiture, consented to the entry of a Consent Judgment and Preliminary Order of Forfeiture, and waived his right to be present and heard on the timing and form of this order pursuant to Federal Rules of Criminal Procedure 32.2(a) and 43(a); and

**WHEREAS**, defendant, Juan Ortiz, has agreed not to contest the forfeiture of the above referenced property;

**WHEREAS**, by virtue of the above, the United States is now entitled to possession of the Forfeited Property pursuant to 18 U.S.C. § 924(d)(1), 28 U.S.C. § 2461(c) , and 21 U.S.C. § 853 and Rule 32.2 of the Federal Rules of Criminal Procedure; and

**WHEREAS**, defendant Juan Ortiz has waived and abandoned all right, title and interest in the Forfeited Firearm; and defendant Juan Ortiz has further waived, released and withdrawn any claim that defendant may have made with respect to the Forfeited Firearm, and waived and released any claim that defendant might otherwise have made to that property in the future; and

**WHEREAS**, defendant Juan Ortiz having consented to the destruction of the Forfeited Firearm; and for good and sufficient cause shown;

It is hereby **ORDERED, ADJUDGED AND DECREED:**

1. That the Forfeited Property, specifically: one (1) Rexio Pucara .38-Special Revolver, bearing serial number C30018, is to be held by any authorized agency of the United States in its secure custody and control

2. That pursuant to applicable law the United States forthwith shall publish at least once for three successive weeks in a newspaper of general circulation, notice of this Order, notice of the United States' intent to dispose of the Forfeited Property in such manner as the Attorney General may direct and notice that any person, other than the defendant, having or claiming a legal interest in the Forfeited Property must file a petition with the court within thirty (30) days of the final publication of notice or of receipt of actual notice, whichever is earlier;

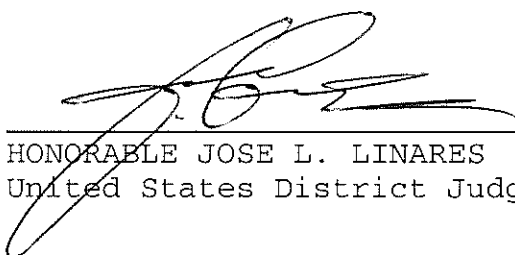
3. That this notice: (a) shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the Forfeited Property; (b) shall be signed by the petitioner under penalty of perjury, and (c) shall set forth the nature and extent of the petitioner's right or interest in the Forfeited Property and any additional facts supporting the petitioner's claim and the relief sought;

4. That the United States may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the Forfeited Property that is the subject of this Consent Judgment and Preliminary Order of

Forfeiture, as a substitute for published notice as to those persons so notified; and

5. That upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture authorizing the United States to destroy the Forfeited Firearm.


ORDERED this 19<sup>th</sup> day of November, 2008.

  
HONORABLE JOSE L. LINARES  
United States District Judge


CHRISTOPHER J. CHRISTIE  
UNITED STATES ATTORNEY

  
By: R. Joseph Gribko  
Assistant U.S. Attorney

11/19/08, 2008  
Dated

  
David Holman, AFPD  
Counsel for the Defendant

11/19/08, 2008  
Dated

  
Juan Ortiz  
Defendant

11/19/08, 2008  
Dated